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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,601	01/30/2001	Thomas W. Poplawski	P/2167-247	1711

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MICHAEL J. SCHEER  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
1177 AVENUE OF THE AMERICA, 41 ST FLOOR  
NEW YORK, NY 10036-2714

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application	Applicant(s)
	09/772 601	Poplawski
	Examiner	Art Unit
	Thors, g	3624
		Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

Responsive to communication(s) filed on 1/30/01

This action is FINAL.  This action is non-final.

Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1-32 is/are pending in this application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-32 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

The proposed drawing correction, filed on \_\_\_\_\_ is  approved or  disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

The drawing(s) filed on \_\_\_\_\_ is/are  accepted or  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s) 2  
 Notice of References Cited, PTO-892  
 Notice of Draftsperson's Patent Drawing Review, PTO-948

Interview Summary, PTO-413  
 Notice of Informal Patent Application, PTO-152  
 Other \_\_\_\_\_

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## DETAILED ACTION

1. Claims 1-32 have been examined.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-32 are rejected under 35 USC 103(a) as unpatentable over Schutzer(US Pat.No: 6,292,789) in view of Hilt(US Pat. No: 5,465,206) and further in view of Lowery(US Pat. No:6,374,229).

4. As per claims 1-32 Schutzer teaches a method for effectuating electronic bill presentment(Abstract)(Figs 1-32) through at least one biller(Fig 3) over the internet(Fig 2/116) and e-mail containing billing information(Fig 7/152). Hilt teaches banks acting as customer service providers(Abstract)(Figs 4-12) for the payment of bills over a payment network(Fig 7)(Fig 8) as well as a billing database(Fig 4/108). Lowery teaches secure access to a home page on the internet by a browser based technology or thin client technology to access the database server(col 2 lines 49-65).It would have been obvious to one skilled in the art to combine Schutzer in view of Hilt and further in view of Lowery to teach applicant's invention. The motivation Schutzer in view of Hilt is to teach an electronic bill presentment and payment system utilizing e-

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mail notices and which incorporates banks as customer service providers as enunciated by Hilt(col 10 lines 30-62). Furthermore, the motivation to combine Schutzer in view of Hilt and further in view of Lowery is to teach an electronic billing and payment system utilized over the Internet with secure access to the database server as enunciated by Lowery(col 2 line 66-col 3 line 3) which provides an integrated internet billing and data processing communication system for brower based computer subscribers.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-32 are furthermore rejected under 35 USC 112(2nd) for failing to define and specifically point out what applicant regards is the invention. The claims are too broad to resolve a distinctive novel set of features over the existing art.

***Conclusion***

7. **THIS ACTION IS MADE NON-FINAL.**

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8. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

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The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



April 21,2003

**DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER**